



General Assembly

January Session, 2015

## ***Amendment***

LCO No. 7052



Offered by:

SEN. DOYLE, 9<sup>th</sup> Dist.

REP. CARPINO, 32<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 878

File No. 152

Cal. No. 154

### ***"AN ACT REQUIRING COMMUNITY NOTIFICATION OF NEW RESIDENTIAL FACILITIES FOR OFFENDERS."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 8-3e of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) No zoning regulation shall treat the following in a manner  
6 different from any single family residence: (1) Any community  
7 residence that houses six or fewer persons with intellectual disability  
8 and necessary staff persons and that is licensed under the provisions of  
9 section 17a-227, (2) any child-care residential facility that houses six or  
10 fewer children with mental or physical disabilities and necessary staff  
11 persons and that is licensed under sections 17a-145 to 17a-151,  
12 inclusive, (3) any community residence that houses six or fewer  
13 persons receiving mental health or addiction services and necessary

14 staff persons paid for or provided by the Department of Mental Health  
15 and Addiction Services and that has been issued a license by the  
16 Department of Public Health under the provisions of section 19a-491, if  
17 a license is required, or (4) any hospice facility, including a hospice  
18 residence, that provides inpatient hospice care and services to six or  
19 fewer persons and is licensed to provide such services by the  
20 Department of Public Health, provided such facility is (A) managed by  
21 an organization that is tax exempt under Section 501(c)(3) of the  
22 Internal Revenue Code of 1986, or any subsequent corresponding  
23 internal revenue code of the United States, as from time to time  
24 amended; (B) located in a city with a population of more than one  
25 hundred thousand and within a zone that allows development on one  
26 or more acres; and (C) served by public sewer and water.

27 (b) Any resident of a municipality in which such a community  
28 residence or child-care residential facility is located may, with the  
29 approval of the legislative body of such municipality, petition (1) the  
30 Commissioner of Developmental Services to revoke the license of such  
31 community residence on the grounds that such community residence  
32 is not in compliance with the provisions of any statute or regulation  
33 concerning the operation of such residences, (2) the Commissioner of  
34 Children and Families to revoke the license of such child-care  
35 residential facility on the grounds that such child-care residential  
36 facility is not in compliance with the provision of any general statute  
37 or regulation concerning the operation of such child-care residential  
38 facility, or (3) the Commissioner of Mental Health and Addiction  
39 Services to withdraw funding from such community residence on the  
40 grounds that such community residence is not in compliance with the  
41 provisions of any general statute or regulation adopted thereunder  
42 concerning the operation of a community residence.

43 (c) Any person who intends to operate or operates such a  
44 community residence or child-care residential facility or any other  
45 group home shall provide written notice concerning the placement of  
46 or change in population of such community residence, child-care

47 residential facility or other group home to the legislative body of the  
48 municipality in which such community residence, child-care  
49 residential facility or group home is planned to be located or is located  
50 not less than thirty days prior to (1) entering into an agreement to  
51 acquire by purchase, lease or otherwise any real property for the  
52 purpose of operating such a community residence, child-care  
53 residential facility or other group home; or (2) increasing or decreasing  
54 the population of such community residence, child-care residential  
55 facility or other group home. For the purposes of this subsection,  
56 community residence, child-care residential facility or other group  
57 home shall not include any residence, facility or home licensed or  
58 operated by the Department of Developmental Services.

59 Sec. 502. Section 8-3f of the general statutes is repealed and the  
60 following is substituted in lieu thereof (*Effective October 1, 2015, and*  
61 *applicable to residences established on or after said date*):

62 [No] For the purpose of ensuring public safety, no community  
63 residence or child-care residential facility established pursuant to  
64 section 8-3e, as amended by this act, shall be established within one  
65 thousand five hundred feet of any other such community residence or  
66 child-care residential facility or the real property comprising a public  
67 or private elementary or secondary school without the approval of the  
68 body exercising zoning powers within the municipality in which such  
69 residence is proposed to be established.

70 Sec. 503. Subdivision (7) of section 12-81 of the general statutes is  
71 repealed and the following is substituted in lieu thereof (*Effective*  
72 *October 1, 2015, and applicable to assessment years commencing on or after*  
73 *said date*):

74 (A) Subject to the provisions of sections 12-87 and 12-88, the real  
75 property of, or held in trust for, a corporation organized exclusively for  
76 scientific, educational, literary, historical or charitable purposes or for  
77 two or more such purposes and used exclusively for carrying out one  
78 or more of such purposes or for the purpose of preserving open space

79 land, as defined in section 12-107b, for any of the uses specified in said  
80 section, that is owned by any such corporation, and the personal  
81 property of, or held in trust for, any such corporation, provided (i) any  
82 officer, member or employee thereof does not receive or at any future  
83 time shall not receive any pecuniary profit from the operations thereof,  
84 except reasonable compensation for services in effecting one or more of  
85 such purposes or as proper beneficiary of its strictly charitable  
86 purposes, and (ii) in 1965, and quadrennially thereafter, a statement  
87 shall be filed on or before the first day of November with the assessor  
88 or board of assessors of any town, consolidated town and city or  
89 consolidated town and borough, in which any of its property claimed  
90 to be exempt is situated. Such statement shall be filed on a form  
91 provided by such assessor or board of assessors. The real property  
92 shall be eligible for the exemption regardless of whether it is used by  
93 another corporation organized exclusively for scientific, educational,  
94 literary, historical or charitable purposes or for two or more such  
95 purposes;

96 (B) On and after July 1, 1967, housing subsidized, in whole or in  
97 part, by federal, state or local government and housing for persons or  
98 families of low and moderate income shall not constitute a charitable  
99 purpose under this section. As used in this subdivision, "housing" shall  
100 not include real property used for temporary housing belonging to, or  
101 held in trust for, any corporation organized exclusively for charitable  
102 purposes and exempt from taxation for federal income tax purposes,  
103 the primary use of which property is one or more of the following: (i)  
104 An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility;  
105 (iii) housing for homeless individuals, mentally or physically  
106 handicapped individuals or persons with intellectual disability, or for  
107 victims of domestic violence; (iv) housing for ex-offenders or for  
108 individuals participating in a program sponsored by the state  
109 Department of Correction or Judicial Branch; and (v) short-term  
110 housing operated by a charitable organization where the average  
111 length of stay is less than six months. The operation of such housing,  
112 including the receipt of any rental payments, by such charitable

113 organization shall be deemed to be an exclusively charitable purpose;

114 (C) On and after the effective date of this section, any group home

115 established on or after the effective date of this section shall not

116 constitute a charitable purpose under this section;"

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	8-3e
Sec. 502	<i>October 1, 2015, and applicable to residences established on or after said date</i>	8-3f
Sec. 503	<i>October 1, 2015, and applicable to assessment years commencing on or after said date</i>	12-81(7)